

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

Wednesday, November 5, 2014

6:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Members Present: Commissioner James Jones, Commissioner Dennis Peters, Commissioner Janet Janke, Commissioner Jeremy Lapin

Excused: Chair Gordon Walker, Vice Chair Paxton Guyman, Commissioner Perry Bolyard, Commissioner Joseph Demma

Staff Present: Community and Economic Development Director Brian Berndt, Senior Planner Glen Goins, Associate Planner Mike Johnson, City Engineer Brad Gilson, City Geologist Tim Thompson, City Attorney Shane Topham

Others Present: Woody Noxon, Jill McGee, Sheryl McCallister, Nancy Hardy

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS

Acting Chair, Dennis Peters, called the meeting to order at 6:00 p.m. and welcomed those attending.

2.0 CITIZEN COMMENTS

Chair Peters opened the public comment period.

Sheryl McCallister expressed frustration that the proposed text amendments are not posted on the City's website for the public to review.

There were no further citizen comments. The citizen comment period was closed.

3.0 PUBLIC HEARINGS

3.1 (Project #ZTA 14-003) Public Comment on a City-initiated text amendment to Chapter 19.46 (O-R-D Office, Research and Development Zone) of the Cottonwood Heights Municipal Code that will include plasma blood centers as a conditional use in the ORD Zone

Community and Economic Development Director, Brian Berndt, stated that the proposed text amendment pertains to Plasma Blood Centers that will be implemented into the ORD District. A map showing the ORD Districts were detailed. It was noted that the proposed amendment does not apply to whole blood donations.

Commissioner Lapin questioned that with a conditional use there is no full-time doctor on the premises and with a permitted use, there is a full-time doctor on site.

Mr. Berndt clarified that this specific use is always conditional.

City Attorney, Shane Topham, stated that the City of Riverton does not have an ordinance dealing with blood plasma centers and received an application for a center adjacent to a residential area. Ultimately, they determined that they did not have a way to prevent the use from occurring. The City Council directed staff to be prepared for such instances and implement an ordinance. The amount of traffic and the perception of the people that will visit the centers were of concern to Riverton.

Sheryl McCallister stated that she believes the demographics with these types of centers are of concern. It is her opinion that the very poor use these facilities to earn the minimal amount of money needed to survive. She is concerned that the use will involve a criminal element. Security needs to be addressed, particularly in areas identified by the City. She also believes that there are medical complications involved with these centers. She feels it would be a mistake to allow a plasma center to be permitted as a conditional use without immediate access to a doctor.

There were no further comments. The public hearing was closed.

3.2 (Project #ZTA - 14-004) Public Comment on a City-initiated text amendment to combine current Chapter 19.72 (“Sensitive Lands”) and Chapter 19.75 (“Geological Hazard Areas”) of the Cottonwood Heights Municipal Code into new Chapter 19.72 (“Sensitive Lands Evaluation & Development Standards” (“SLEDS”))

Mr. Berndt presented the staff report and stated that the Sensitive Lands Evaluation and Development Standards have been in the works since 2010. It came to a point that a lawsuit was filed against the City, which was partially directed at the Code. As a result, the Council asked at that time that the item be put on hold. Staff has now been asked again to bring the matter forward. The proposed amendment takes the current ordinances and combines them into a comprehensive chapter. The maps were described.

Mr. Berndt stated that the text amendment will enhance and support the codes that are already codified and make them more user friendly. The new Code will include new definitions, maps, and the minimum industry standards of care. The purpose of the Code is to protect the public from natural hazards. With these types of codes, staff looks at the general property to determine if it contains any overlays from the map. Once identified, subsequent reviews take place with more specificity with respect to the types of hazards on the site. The Code allows for a secondary review and also gets into the specifics of what is required in the report. Guidelines for specific hazards were discussed.

Sheryl McCallister expressed frustration with the text not being made available prior to tonight’s meeting and requested an additional 60 days to allow citizens to review and understand what is being proposed.

Mr. Berndt stated that since there is no timetable on the item, granting additional time is not a problem.

Chair Peters stated that the two public hearing items on the agenda will ultimately move onto the City Council with the Planning Commission’s recommendation.

Woody Noxon commended staff for cleaning up the zoning and condensing information to make it more precise and easier to understand. He indicated that he would also appreciate additional time to review the text in more detail.

Nancy Hardy presented a letter to the Commission. She requests that all public meetings be live streamed to make the citizens more aware of what is taking place in the City.

Jill McGee stated that with the changes and discussions being presented regarding the Giverny Project, she requested that the citizens be given time to review new information before a decision is made.

Senior Planner, Glen Goins, encouraged those with concerns to visit with staff. He explained that there is an issue that has received clarification with respect to the divulging of proprietary and plat information. Staff asked Giverny if copies of their plat could be handed out. They respectfully declined. The information is available for viewing but may not be removed from the office. The information that is available electronically will be distributed and prior to the next meeting there will be a packet of information provided to the Commissioners, with the exception of proprietary documents. He confirmed that if all of the information they are seeking for staff to make a recommendation is obtained, the item will be placed on the December 3, 2014, agenda as a discussion item.

Mr. Topham explained that it is up to the Planning Commission to decide whether to hold another public hearing. All are invited to express their concerns during the public comment portion of another meeting.

Commissioner Lapin asked for clarification regarding public emails being received after the public hearing is closed.

Mr. Topham recommended making concerns known during the public comment portion.

Mr. Goins stated that he had been collecting public comments and forwarding them on to the Commission Members for review.

Commissioner Janke agreed with making information available to the public and giving them the opportunity to be made aware of any changes.

With regard to citizen comment, Mr. Goins stated that agendas are posted and communication is encouraged. There will be time in the discussion portion of the meeting, during the regular meeting, and at the next meeting, for those wishing to speak. He clarified that the developer has asked that the plats themselves, and items that are protected, not be dispersed.

Commissioner Lapin expressed concern with having adequate setbacks from drainage channels. His concern is that a developer may challenge the language because it is not set with a firm number. He recommended enforcing a minimum number to eliminate any argument. Potential language was discussed. Commissioner Lapin is in favor of increasing the FEMA 100-Year Flood Plain from one foot to two feet.

City Engineer, Brad Gilson, stated that they do not have specific numbers due to the various channel sizes and types. The numbers must be based on scientific study and engineering.

There were no further public comments. The public hearing was left open.

4.0 ACTION ITEMS

4.1 Approval of October 1, 2014, Minutes

Motion: Commissioner Janke moved to approve the October 1, 2014, minutes. The motion was seconded by Commissioner Jones. Vote on motion: Jeremy Lapin–Aye, Janet Janke–Aye, James Jones–Aye, Chair Dennis Peters–Aye. The motion passed unanimously.

5.0 ADJOURNMENT

Motion: Commissioner Jones moved to adjourn. The motion was seconded by Commissioner Lapin and passed unanimously on a voice vote.

The planning commission meeting adjourned at 6:44 p.m.

Minutes approved: 12/03/2014